

REMARKS

[0001] Claims 1-18 are all the claims presently pending in this application. Claims 14-18 are added and claims 1, 7 and 8 have been amended to more particularly define the claimed invention.

[0002] Applicant respectfully submits that entry of the currently amended claims is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal. Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Accordingly, no new issues are raised that necessitate a further search of art. Applicant respectfully traverses the rejections based on the following discussion.

I. REJECTION UNDER 35 U.S.C. § 101

[0003] Claim 8 has been rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Applicant has amended independent claim 8 to recite, “A computer system comprising computer-readable storage media storing instructions to cause said computer system to provide composing services,...,” and requests that the Examiner withdraw the rejection under 35 U.S.C. §101, accordingly.

II. OBJECTION TO THE SPECIFICATION

[0004] The Specification is objected to for failing to provide proper antecedent basis for the claimed subject matter under 37 C.F.R. §1.75(d)(1). Applicant has amended claim 7 to recite, “a computer-readable portable storage medium,” that is supported in Applicant’s Specification, for

example, at page 16, lines 10-12, that states, “The computer software may be recorded on a portable storage medium, in which case, the computer software program is accessed by the computer system 500 from the storage device 555.” Therefore, Applicant’s hereby request that that objection to the Specification be withdrawn, accordingly.

III. THE PRIOR ART REJECTION

The 35 U.S.C. § 102(b) Rejection over Charisius

[0005] Claims 1-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Charisius et al., U.S. Pat. App. Pub. No. 2002/0078432, (hereinafter “Charisius”).

[0006] Applicant’s traverse the Examiner’s rejection since, among other reasons, Charisius discloses an integrated process modeling and project planning tool that allows an enterprise affiliate to improve a workflow that models a process, such that when an instance of the process is at least partially performed, it receives a characteristic about the performance of the plan, and modifies the workflow to reflect the characteristic so that a subsequent plan created from the modified workflow has the received characteristic, while Applicant’s claimed invention *evaluates an instantiated plan for violations of predetermined constraints relating to subsequent execution of determined network accessible services of the instantiated plan.*

[0007] More specifically, Applicant submits, that Charisius does not teach or suggest, “*storing an abstract plan that specifies a set of logical processes that identify a type of network accessible service to be used and an order of use of said network accessible service, wherein each service is assigned to said abstract plan in a predetermined manner,” and “*evaluating said instantiated plan for violations of predetermined constraints relating to subsequent execution of the**

determined network accessible services of said instantiated plan,” according to Applicant’s independent claim 1, and similarly independent claims 7 and 8.

[0008] The Examiner on page 4 of the Office Action alleges Charisius’ “resources” of paragraph 172 are equivalent to Applicant’s “*service that can perform each one of the logical processes*.” Charisius discloses that, “tool 200 may automatically assign a resource to a role of a task in the plan based on the identified, capable resources for the role.”

[0009] However, nowhere in Charisius is there any disclosure of “resources” that perform logical processes that, “*identifies a type of network accessible service to be used and an order of use of said network accessible service*.” The Examiner alleges that Charisius’ plan 800 at paragraphs [0127-0129] is equivalent to Applicant’s “*logical processes*” associated with the “*network accessible services*.” Furthermore, Charisius fails to disclose that plan 800 is related to “*network accessible services*.” Additionally, Charisius fails to disclose any *network accessible service* “*assigned to an abstract plan in a predetermined manner*,” as claimed by Applicant.

[0010] Furthermore, Charisius fails to disclose *evaluating...for violations...relating to subsequent execution of the determined network accessible services*. Charisius discloses that to improve the workflow, a tool initiates execution of a plan created from the workflow such that an instance of the process is at least partially performed, and thereafter receives a characteristic about the performance of the plan, and modifies the workflow to reflect the characteristic so that a subsequent plan created from the modified workflow has the received characteristic, (see Abstract, paragraphs [0011], [0013]). The tool activates the plan (Fig. 3, step 310), and then manages the execution of the activated plan (step 312). The tool then modifies the display of the plan as each task is executed (step 314). An important distinguishing difference between Charisius and Applicant’s claimed invention is that Charisius’ principal direction is to first

execute the activated plan and subsequently modify the plan based on the executed plan's performance characteristics. Applicant's claimed invention is directed to evaluating the instantiated plan for violations relating to a subsequent execution of the instantiated plan, *i.e.*, before the instantiated plan is executed, so that the instantiated plan may be modified based on feedback of any violation evaluation prior to execution.

[0011] In summary, Charisius discloses an integrated process modeling and project planning tool that allows an enterprise affiliate to improve a workflow that models a process, such that when an instance of the process is at least partially performed, it receives a characteristic about the performance of the plan, and modifies the workflow to reflect the characteristic so that a subsequent plan created from the modified workflow has the received characteristic, while Applicant's claimed invention *evaluates an instantiated plan for violations of predetermined constraints relating to subsequent execution of determined network accessible services of the instantiated plan.*

[0012] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art reference to Charisius fails to teach or suggest each element and feature of Applicant's claimed invention.

IV. FORMAL MATTERS AND CONCLUSION

[0013] In view of the foregoing, Applicant submits that claims 1-18, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

[0014] Should the Examiner find the application to be other than in condition for allowance, the

Application No. 10/727,672
Docket No. JP920030196US1

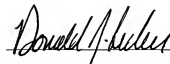
10

Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

[0015] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Date: December 15, 2008

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald J. Lecher", written over a horizontal line.

Donald J. Lecher, Esq.
Registration No. 41,933

GIBB IP LAW FIRM, LLC
2568-A Riva Road, Suite 304
Annapolis, Maryland 21401
Voice: 410-573-6501
Fax: 301-261-8825
E-mail: Lecher@gibbiplaw.com
Customer No. 29154